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SUBJECT: AREA ADMINISTERED BY TURKISH CYPRIOTS: SIXTH
ANNUAL TIP REPORT SUBMISSION

REF: STATE 03836

¶1. This message is sensitive but unclassified--not/not for Internet distribution.

¶2. (SBU) Embassy Nicosia hereby submits information for the March 2004-March 2005 Trafficking in Persons (TIP) Report. Embassy point of contact is Bridget Alway, Political Section, Tel: (357) 22-39-3545, Fax (357) 22-39-3467. Approximately 80 hours (FSO-03) and 55 hours (FSN) were spent in preparing this material.

¶3. (SBU) Overview Questions:

¶A. (Note: the United States does not recognize the "government" of the so-called "Turkish Republic of Northern Cyprus (TRNC)," nor does any country other than Turkey.) The area administered by Turkish Cypriots is a destination for women who are trafficked to work in the sex industry. Authorities believe it is a "transit" point for people wishing to illegally enter the European Union (EU), and NGOs believe it is a "transit" point for persons who may be trafficked in the construction industry. Women trafficked for purposes of commercial sex do not change location once they have signed a contract with a particular nightclub in the north. No official estimates on the number of victims exist. The "Ministry of Interior" issued 1,031 "artiste" visas to women coming to Cyprus to work in 46 nightclubs and 9 pubs. In January, 2006, 378 foreign women were working in the area administered by Turkish Cypriots. Moreover, in 2005 the immigration police repatriated 150 women who wished to curtail their nightclub contracts. Because the "TRNC" has no commercial air links with any country other than Turkey, all women entering the area administered by Turkish Cypriots to work in a nightclub or pub arrive via Turkey. Authorities maintain that most of these women have been working in nightclubs in Turkey prior to coming to Cyprus. NGOs back

this up and have stated that historically women working in the sex industry have been "routed" through Istanbul on their way to Cyprus or other countries in the region. Authorities have also indicated that a significant number of Turkish women (who enter either on three-month tourist visas or on student visas) are known to be working as prostitutes out of apartments in the port cities of Kyrenia and Famagusta. The "attorney general" believes these women may outnumber the third-country nationals coming to work on "artiste" visas. There were no NGOs that provided services to victims. The immigration police said that during the reporting period women working in nightclubs and pubs came from: Moldova (84%), Ukraine (10%), Kyrgyzstan (1%), Russia (1%), and Belarus (1%). There were also a handful from Uzbekistan, Tajikistan, the Philippines, Kenya, Romania, and Nigeria.

¶B. See also 3, A. There appear to have been no changes in the extent/direction of the trafficking. The "attorney general" said that he has become aware of a number of Turkish women working as prostitutes out of private apartments after entering the island from Turkey on tourist or student visas. There is political will to address trafficking, particularly in the area of protection, as evidenced by the "Ministry of Health's" efforts to establish a "157" hotline similar to the one operating in Turkey (see also 6, A). Many officials, however, still confuse trafficking with human smuggling. There is currently no anti-trafficking legislation. Women working in nightclubs and bars are required by the "Nightclubs and Similar Places of Entertainment Law" (also known as the "Bar Girls Law") of 2000 to live onsite at their nightclubs and to surrender their passports to the immigration police. Nightclub owners are not allowed to hold

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the passports. A nightclub may employ up to 12 women and a pub may employ up to three. Women receive six-month visas, which they may renew immediately. They are, however, required to leave at the end of the visa and re-apply for an entry permit. Women typically serve drinks, perform nude dancing or engage in prostitution. Victims may be subject to violence, threats, excessive working hours and inadequate pay and may be forced to perform sexual acts for clients/employers. There were reports of men who had been trafficked to work in the construction industry.

¶C. Turkish Cypriot authorities are not a party to any international agreements due to the unrecognized status of the "TRNC." Likewise, no branches of any international institutions are located in the area administered by Turkish Cypriots. The authorities have signed no cooperative agreements with source countries, and would almost certainly be unable to do so due to recognition issues. Turkish Cypriot officials have not participated in any EU or international conferences or training's on TIP, but they did attend seminars organized by the U.S. and Swedish embassies with international participants. Lack of funding is a problem in promoting a public awareness campaign, training police officers and providing aid to victims. Corruption in the police is also a problem. Ten immigration police officers were arrested in April on suspicion of smuggling people of Arab origin across the Green Line, and the "attorney general's" office confirms that an investigation is still ongoing. Press coverage of the arrests suggested that high-ranking police could be involved. In May, two immigration police officers at Ercan airport were questioned on suspicion of corruption after the exposure of a false visa ring, but no arrests were made. There are widespread rumors that government officials hire prostitutes and benefit financially from the operation of nightclubs.

¶D. Statistics were available from the Turkish Cypriot authorities, but they were disorganized and confusing. The "Ministry of Interior" tracks the number of nightclub visas issued, and immigration police track entries/exits and repatriations to and from the "TRNC." While these two offices share statistics, their numbers did not always agree.

The "Ministry of Health" keeps statistics on its required weekly health checks for nightclub workers, and the police keep statistics on arrests related to prostitution. There was no public disclosure of these statistics during the reporting period.

4. (SBU) PREVENTION:

4A. Turkish Cypriot authorities acknowledge that trafficking is a problem. There is, however, much confusion of the issue with human smuggling.

4B. The "ministries" of Health, Interior and Labor as well as the police were all involved in efforts to regulate the activities of nightclubs and prevent the abuse of women working in these clubs. (Note: the police fall under the "Ministry of Foreign Affairs" but they are ultimately under the operational command of the Turkish military per transitional article ten of the "TRNC constitution," which cedes responsibility for public security and defense "temporarily" to Turkey.)

4C. There were no "government-run" anti-TIP public information campaigns during the reporting period.

4D. The "government" did not support other programs to prevent trafficking.

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4F. There is no relationship between "government officials" and civil society on trafficking. During the reporting period, there were two local NGOs actively concerned with trafficking.

4G. Turkish Cypriot authorities make an effort to monitor their "borders," which include both ports of entry and the "Green Line" separating the area administered by Turkish Cypriots from the government-controlled south. (Note: the "Green Line" is patrolled by the UN as part of the UNFICYP mission.) Turkish Cypriot authorities complain of inadequate resources in this area. There is substantial evidence that the area administered by Turkish Cypriots is a transit point for people, typically from the Middle East and South Asia, seeking to enter the EU through the Republic of Cyprus. There are reports that Greek Cypriots and Turkish Cypriots cooperate in alien smuggling schemes. When caught by officials in the north, these smugglers are typically charged with entering outside of a legal port of entry. The immigration police reported that 40% received prison sentences, 25% were fined and the rest were still awaiting trial. The smuggled aliens were deported.

4H. The "government" agencies listed in 4,B above were all members of the "Nightclub Commission," an "interagency" group with local "government" representation that meets once a month to discuss any issues related to nightclubs and their employees. The Commission makes recommendations to the "Ministry of Interior" on the granting of club licenses, recommends changes in employee quotas and intervenes in any problems arising at a club. Neither the Commission nor the "Ministry of Interior" can cancel nightclub operating licenses, however. The "Ministry" tried to do this in 2005 when nightclubs refused to relocate after zoning measures were implemented as part of the "Nightclubs and Similar Places of Entertainment Law." A local court ordered the "Ministry" to reinstate the licenses in question because they had already been purchased. The "Attorney General" subsequently advised the "Ministry" that it would face numerous legal hurdles in trying to revoke nightclub operating licenses. The Nightclub Commission is the only institutionalized forum for discussing TIP, but it did not deal with any specific TIP cases in the reporting period. There is no public disclosure of assessments of anti-trafficking efforts. The head of the nightclub

commission is the "Undersecretary of the Ministry of Interior." There is no public corruption task force. There is an Ombudsman's office, but the position has been vacant for the last three years.

¶J. The "government" does not have a "national" plan of action to address trafficking in persons.

¶5. (SBU) INVESTIGATION AND PROSECUTION OF TRAFFICKERS:

¶A. No new legislation has been enacted since the last TIP report. The area administered by Turkish Cypriots does not have a law that specifically prohibits trafficking in persons. The law does, however, prohibit forced abduction and forced labor. In 2005, all potential trafficking cases were tried on the grounds of living off the earnings of prostitution. The "attorney general" stated that there were no complaints that would allow the authorities to press charges of forced labor. However one NGO claimed that there were cases of workers being trafficked in the construction industry.

¶B. See 5, A. Persons convicted of living off the earnings
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of prostitution may receive two years in prison and/or a fine of one million old Turkish Lira--a mere 85 U.S. cents--at the discretion of the judge. Persons convicted of forced abduction/labor are punished by imprisonment and/or fine at the discretion of a judge. The law holds that an employer can spend a year in prison or pay a fine of \$300 if he/she allows a nightclub employee to miss a weekly health check required by the "Ministry of Health."

¶C. The basic law provides no minimum sentence for individuals convicted of rape, including spousal rape; the maximum sentence is life imprisonment.

¶D. Engaging in prostitution and living on the earnings of prostitution are both illegal, and arrests were made for both during the reporting period. Officials stated, however, that it is difficult to close down cabarets because of a lack of evidence of prostitution.

¶E. The "government" prosecuted no cases on the grounds of trafficking during the reporting period, due to a lack of appropriate legislation. Police arrested 25 people in 25 cases, however, on grounds of prostitution and living off the earnings of prostitution. Of those, 16 cases are pending trial and nine defendants were convicted. Of the nine people, there were six men and three women (of Moldavian British and Turkish nationality). None of them were nightclub owners. All paid penalties ranging from \$.85-1.70 (1-2 million old Turkish Lira).

¶F. Turkish Cypriot authorities do not know precisely who is behind the trafficking since the victims are coming via Turkey. They do not know what happens to the women between the time they leave their countries and arrive in the area administered by Turkish Cypriots. They have indicated, however, that the men accompanying women entering on "artiste" visas at ports of entry are often Turkish. They also believe that organized crime is behind the ownership and management of some of the nightclubs in the area administered by Turkish Cypriots. The press reported an independent researcher's claims (after reportedly interviewing "artistes" at cabarets) that the women came to Cyprus via agencies seeking models, babysitters or caretakers for the elderly.

¶G. The "government" actively investigated allegations of trafficking. In November the NGO La Strada contacted Embassy Nicosia regarding a Moldavian woman who had allegedly told her mother in Moldova that she was being held at a nightclub in the area administered by Turkish Cypriots and wanted to leave. The Embassy contacted the Turkish Cypriot Police, who

immediately investigated the case and arranged for the woman's repatriation. The Police reported that the woman said she missed her child, and that her mother had exaggerated her situation. The "Ministry of Labor," along with the immigration police, complete routine work place inspections at restaurants, hotels, nightclubs, casinos and construction sites to make sure: 1) workers have valid work visas; 2) workers have a signed contract with their employer; 3) working conditions are safe and sanitary. The Police take advantage of bar and nightclub inspections (4 to 5 times per month) as a time to interview the women and ask them if they have any problems (police estimated that around 10% of the women they interviewed did not understand that they would be working in prostitution when they came to Cyprus). The Police do not use electronic surveillance, undercover operations, mitigated punishment or immunity in prosecuting cases. The law typically prohibits use of these techniques, although a judge may overrule such provisions.

H. The "government" does not provide specialized training on
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TIP.

I. The "government" cooperates only with Turkey (see also question 3, C). The Police may contact Interpol via Turkey as well.

J. The Turkish Cypriot constitution does not allow for Turkish Cypriots to be extradited, and Turkish Cypriot authorities have not announced any plans to amend this in the basic law. The authorities can extradite citizens from other countries. However they did not receive any requests for this (see 3, C).

K. See also question 3, C. To prevent corruption, Police assign officers to nightclub inspections on a random basis and do not announce these assignments until the last minute.

L. The Police have an internal disciplinary mechanism that functions in cooperation with the "attorney general's office." No officials were prosecuted for engaging in prostitution or trafficking.

M. N/A There is no evidence of a child trafficking problem in the area administered by Turkish Cypriots.

N. N/A

6. (SBU) PROTECTION AND ASSISTANCE TO VICTIMS:

A. The "Ministry of Health" requires nightclub employees to report to a hospital for weekly health checks, which aim to prevent the spread of sexually transmitted diseases. In the summer of 2005, the "Ministry's" plans to interview women in their native languages fell through due to a lack of appropriate staff; however, it did begin disseminating and collecting (though not evaluating) questionnaires on living conditions from women working in nightclubs and bars. In December the "Ministry" reserved the toll free "157" number with the telephone authority and hired a Russian-speaking nurse with the intention of beginning personal interviews with women during their health checks and routing the 157 line's calls to the nurse's cellphone. At the end of the reporting period, the line was activated but had not yet been put into service.

In an effort to protect the women working in nightclubs, the "Nightclubs and Similar Places of Entertainment Law" mandates that Police keep their passports and return airplane tickets throughout the duration of their stay to prevent employers from withholding these documents. (Women pay \$4,000 to 5,000 U.S. up front to cover visa and travel expenses.) Furthermore, the "Ministry of Health" inspects nightclubs to ensure the women are not subjected to unsanitary working or

living conditions (since they are required by law to live on the nightclub premises). Apart from the case mentioned earlier (5, G), all of the "ministries" told us they have had almost no complaints from women working in nightclubs. Because of this and the fact that the Police repatriate any woman who wants to leave, authorities have not felt the need to offer shelter or counselor assistance. According to the "Nightclubs and Similar Places of Entertainment Law," women need only tell the Police they want to leave their employment and the Police must arrange for their immediate repatriation.

In 2005, the Police repatriated 150 women. Of those, 85 asked to leave because they or a member of their family was sick; 40 stated they simply wanted to stop working; and the rest said they either wanted to get married, had family problems, or wanted to go back to school.

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In an attempt to limit the number of nightclubs in urban areas, authorities have implemented zoning measures. The "Nightclubs and Similar Places of Entertainment Law" declared that all nightclubs had to move outside of urban centers. Despite a December 2005 deadline for all remaining nightclubs and pubs to move out, however, 6 nightclubs remained in operation within the city limits of the major Turkish Cypriot metropolitan centers by the end of the reporting period. In response, the "Ministry of Interior" stopped renewing "artiste" visas for the employees working in these establishments, but did not attempt to close them down (see also 4, H).

1B. The "government" did not provide funding or other forms of support to foreign or domestic NGOs for services to victims. Two NGOs expressed interest in TIP during the reporting period, but they did not provide services to victims.

1C. There is no such referral process.

1D. For the most part, victims' rights are protected. Victims may be prosecuted for violating laws governing immigration and prostitution.

1E. There is no legislation specifically against trafficking. Authorities said there were no complaints made during the reporting period that would allow them to pursue traffickers on charges of forced labor, either in criminal or civil courts. The Police indicated that women gave statements in investigations of crimes related to prostitution, but could not specify how many. A woman is not permitted to seek alternative employment if acting as a material witness in a court case. There is no victim restitution program. Women are not permitted to stay in the area administered by Turkish Cypriots and pursue other employment if they leave their nightclub.

1F. There is no witness protection program. The "government" does not run any shelters and argues that currently there is no need for such a system since the Police arrange immediate repatriation for women who wish to leave their employment. There is currently no evidence of the trafficking of children.

1G. The "government" does not provide specialized training for "government" officials in recognizing trafficking and providing assistance to victims. The "government" has no embassies or consulates in foreign countries.

1H. There were no cases during the reporting period of Turkish-Cypriots who were victims of trafficking in other countries.

1I. N/A.
SCHLICHER